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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,706	05/17/2001	Robert B. Chaffee	C0852/7014 JNA	4125

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/859,706

Applicant(s)

CHAFFEE, ROBERT B.

Examiner

Lisa M. Saldano

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Regarding page 8, line 19-28, it is not clear what the applicant means by the locking mechanisms “reversibly” locking together. The functional aspect of the disclosure is unclear as it does not state whether “reversibly” means that the locking mechanisms may be locked in one position as opposed to another, or whether it means otherwise. Appropriate correction is required.

Claim Objections

1. Claim 1, 11 and 20 are objected to because of the following informalities:

Regarding claim 21, lines 3-4, “the fluid controller” of line 3 lacks antecedent basis. It is suggested that “a” be placed before “fluid controller” of line 3 and “the” be placed before “fluid controller” of line 4 .

Regarding claim 11, line 3 and claim 20, line 7, in view of the objection to the specification, it is not clear what the applicant means by “reversibly mate.” Please clarify.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Chung (6,332,760).

Chung discloses an inflatable product with a fluid controller comprising an electrically powered pump 20 and an inflatable bladder 26 wherein the exterior profile of the controller and bladder in combination is “essentially” the same (see Fig. 6A).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 5-10, 14-18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackal et al (3,995,653) in view of Shafer et al (5,903,941).

Regarding claims 1, Mackal et al disclose an inflatable device (see Figs. 2 and 3) comprising a fluid impermeable bladder 12, a recess 15 that accommodates a portion of a fluid controller 49/50. The fluid controller portion 49/50 is connected to a source of pressurized air, such as a pump (see column 3, line 63-66).

However, Mackal et al do not provide details of the source of pressurized air as suggested in the disclosure.

Shafer et al disclose an airbed 10 with an air control system comprising an electrically powered pump (see Figs. 1 and 10). The system comprises tubes 166, 168 connected to fittings 188 for insertion into inlets 170, 172 (see Fig.1) of the bladders 30, 32 of an air mattress.

Regarding claims 5-10 and 29, Shafer et al disclose housings 202 and 206, wherein the air distribution unit housing 206 comprises a flange 201 at air outlet receptacles 170, 172 located in the fluid controller 44 (see Figs 9 & 10). The flanges 201 are connected to bladders 30,32 through fittings and tubes 166, 168. The foremost section of flange 201 comprises a fluid impermeable wall that connects to the air distribution unit housing and pump housing 202 of the inflatable airbed system. A remainder of the fluid controller system 44 including tubes 166,168 are removable from the flange 201 located at receptacles 170,172.

Regarding claims 14-18, Shafer et al disclose an adjustment device 42 including switches 106, 108 and 110. The switches communicate to the fluid controller to inflate or deflate the bladders of the inflatable device. The switches are electrically connected to a pump 152, power source 174,176 and solenoid valves 338, 340 to selectively energize and actuate the valves (see

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column 11, lines 1-8, and column 5, lines 45-52). Movement of a switch causes actuation of a stem connected to valves 338, 340 and withdraws the solenoid, thereby placing the valves in either an open or closed position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the electrical pump, tube and fittings of Shafer et al to the recessed inflation device within an inflatable device, as disclosed by Mackal et al, because Mackal et al clearly teach the use of an air source such as a pump, a tube and an fitting as used by both inventors.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mackal et al and Shafer et al as applied to claim 1 above in view of Nagashima (JP-05137809-A).

Mackal et al and Shafer et al disclose the inflatable devices as described above. To review, Shafer et al disclose an adjustment device 42.

However, Shafer et al fail to disclose that the adjustment device can be removably locked to the fluid controller.

Nagashima discloses an adjustment device or a remote control device A removably locked to a pump body B.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means to removably lock the adjustment device of Shafer et al to the fluid controller because it is common to provide a removable means of attaching an adjustment device to a fluid controller, as taught by Nagashima.

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7. Claims 20, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer et al (5,903,941) in view of Nagashima (JP-05137809-A).

Regarding claims 20 and 22, Shafer et al disclose an airbed 10 with an air control system or fluid controller comprising an electrically powered pump (see Figs. 1 and 10). The system comprises tubes 166, 168 connected to fittings 188 for insertion into inlets 170, 172 (see Fig.1) of the substantially fluid impermeable bladders 30, 32 of an air mattress. Shafer et al also disclose an adjustment device 42 with switches.

Regarding claim 26, Shafer et al disclose housings 202 and 206, wherein the air distribution unit housing 206 comprises a flange 201 at air outlet receptacles 170, 172 located in the fluid controller 44 (see Figs 9 &10). The flanges 201 are connected to bladders 30,32 through fittings and tubes 166, 168. The foremost section of flange 201 comprises a fluid impermeable wall that connects to the air distribution unit housing and pump housing 202 of the inflatable airbed system. A remainder of the fluid controller system 44 including tubes 166,168 are removable from the flange 201 located at receptacles 170,172.

However, Shafer et al fail to disclose that the adjustment device can be removably locked to the fluid controller.

Nagashima discloses an adjustment device or a remote control device A removably locked to a pump body B.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means to removably lock the adjustment device of Shafer et al to the fluid controller because it is common to provide a removable means of attaching an adjustment device to a fluid controller, as taught by Nagashima.

Allowable Subject Matter

8. Claims 27 and 28 are allowed.
9. Claims 2, 3, 12, 13, 21 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

lms
March 20, 2003



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
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